

ZEICHNER ELLMAN & KRAUSE LLP

730 THIRD AVENUE
NEW YORK, NEW YORK 10017
TEL: (212) 223-0400

MICHAEL E. SIMS
(212) 826-5328
msims@zeklaw.com

WWW.ZEKLAW.COM

October 30, 2024

BY ECF

Hon. James M. Wicks
United States Magistrate Judge
United States District Court
Eastern District of New York
100 Federal Plaza, Courtroom 1020
Central Islip, New York 11722

Deo et al v. Baron et al
Case No. 2:24-cv-06903 (JMW)

Dear Judge Wicks:

We represent defendant Nissan Motor Acceptance Company LLC (“NMAC”) in this action. We write in response to the Court’s Order, dated October 16, 2024, directing the parties to submit any opposition to the Motion to Consolidate (ECF No. 22) by October 30, 2024.

NMAC, which has sought leave from the Court to file a motion to dismiss, opposes consolidation to the extent it creates any discovery or other obligation for NMAC pending the resolution of NMAC’s anticipated motion to dismiss. For the reasons stated in NMAC’s pre-motion letter to the Court (ECF No. 30), plaintiffs have failed to state a claim against NMAC, and NMAC should not be a party to this action or the related case. Accordingly, NMAC respectfully requests that: (i) the Court first determine the proper parties to this case (other defendants have also filed requests to move to dismiss) before it consolidates the two cases, or (ii) if the Court does consolidate the cases, discovery be stayed against NMAC (and other moving defendants) pending the disposition of any motions to dismiss.

Respectfully submitted,

/s/ Michael E. Sims

Michael E. Sims

cc: All Counsel (by ECF)